

4 DEC 1979

MEMORANDUM FOR THE RECORD

SUBJECT: Historical Research Applications

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1. The first such application received by the Agency under E.O. 11652 was from [] a former OSS officer who headed an OSS mission in Hanoi during World War II. He also served, following his retirement from the Army, for 12 years with the Office of Emergency Preparedness. He was encouraged by Senator Fulbright, in connection with hearings on the origins of the war in Southeast Asia, to write about his experiences. [] submitted an inventory of documents which he had turned over to the Army at the time of his separation from the service, most of which he had originated or which had been addressed to him during his tour in Hanoi. Once he arrived at the Agency for his research (the Office of Public Affairs provided the work space and took care of escort duty), however, he kept asking for additional documents. He did not take notes and submit them for security review but, instead, submitted a list of some 370 OSS documents for declassification. Most of these were subsequently released to him. Later on, we learned from NARS personnel that [] decided to enlarge the scope of his book. He has never submitted a manuscript for review, so presumably nothing has been published. One thing that we learned from our experience with Mr. Patti was that the "care and feeding" of researchers is a burden on our resources.

2. Marshall L. Miller, who at the time was an Associate Deputy Attorney General, requested access to classified OSS and CIA records filed among the State Department records at the Diplomatic Branch at NARS. He planned to write a two-volume work on U.S. relations with Bulgaria during World War II. Approval was granted, subject to the usual conditions. As far as we know, however, he never exercised his right. We received no notes from NARS for security review and he never submitted a manuscript. It is known that Miller returned to private law practice shortly after his application was approved, and this may have affected his plans.

MORI/CDF Pages 1 thru 4

3. Howard C. Berkowitz, a computer programmer at the Department of Labor, was commissioned by the Ripon Society of the Republican Party to do a study of information control and leaks within the Federal Government. His request for access to classified CIA information was denied. One reason for the disapproval was his connection to a major political party, but the principal reason was our belief that his information needs could be substantially met on an unclassified basis. He subsequently came to the Headquarters Building for briefings/interviews.

4. David C. Walsh, an undergraduate student at Montgomery College, requested access to classified OSS records in connection with his research into special ordnance and similar equipment developed for or by the OSS. Shortly after receiving this request, the Agency's regulations concerning the criteria for considering historical research applications were amended, with the approval of the Information Review Committee, to take into account academic qualifications and evidence of prior scholarly research. The request was denied on that basis.

5. Ray S. Cline, former DDI and former head of State/INR, submitted a request for historical researcher access directly to the DCI. The DCI sent the request to the Chief of the Historical Staff, Walt Elder. Mr. Elder was aware that Agency regulations and practices called for other officials to handle these matters, but, although he asked us to draft the correspondence, Mr. Elder felt obligated to sign the letters. Applications were approved for both Mr. Cline and his research assistant. There was a problem finding work space and someone who would accept responsibility for badging and escort duty. When [] then DDI, learned of Mr. Cline's approval for historical research, he insisted that the work space could not be in Headquarters Building. We never received any notes to review and assumed, therefore, that Mr. Cline had not availed himself of his research privileges. However, we later heard that the research assistant had in fact been given access to classified material in one of the Rosslyn offices. We do not know who, if anyone, reviewed her notes. The whole matter was handled outside established channels.

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6. Vance Tiede, a graduate student at Georgetown University, was turned down on his request for access to classified OSS records concerning reported German-Soviet peace feelers, primarily on the basis that he lacked the requisite academic credentials. Mr. Tiede was very persistent, however, and persuaded several persons to submit letters on his behalf (including a letter from Ray Cline). In the end, Mr. Tiede went along with having his informational needs satisfied through an FOIA request.

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7. Klemens von Klemperer, a professor at Smith College who was writing a book on the diplomacy of the German opposition during World War II, next submitted an application for historical researcher status. The DDO agreed to providing work space and escort duty. Indeed, the DDO drew up plans for a special office in its archives area to accommodate Professor von Klemperer and other historical researchers and went so far as to submit work requisition. The Office of Security killed the project, however. The Security officials we talked to [redacted] among others) were unaware of the earlier approvals. Their position was that they would not permit a non-Agency employee to do research on CIA premises unless he had been cleared for Top Secret--and, because of other priorities, Security would not undertake a full field investigation just to clear a historical researcher. Mr. Blake, then DDA, backed up the Office of Security's stand, but asked us to try to accommodate Professor von Klemperer's informational needs by waiving fees for an FOIA request. (We did this for the initial request. When Professor von Klemperer submitted additional requests, however, we started charging fees. We are still working on one of his requests.)

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8. Vice President Nelson Rockefeller wrote to the DCI on 20 September 1976 on behalf of one of his speechwriters, Joseph Persico, asking that Mr. Persico be provided access to classified OSS records. (Mr. Persico had previously filed one or more FOIA requests with the Agency, but he wanted to expedite his research rather than await the results of the FOIA processing.) The request was denied by Director George Bush in a letter dated 8 October 1976. In his letter, Mr. Bush pointed out the difficulties in accommodating historical researchers and the fact that several previous requests of this nature had been denied.

9. The position that the Office of Security had taken in the von Klemperer case (i.e., that a Top Secret clearance would be required) made it apparent that security approval would be given only to those applicants who could be cleared without a full field investigation--in other words, CIA annuitants or persons who had worked in other intelligence agencies. It occurred to us that the Agency could be opening itself up to charges of partiality and an "old boy" mentality if such persons were to be granted research privileges while "outsiders" were turned down. With that in mind, we denied the applications of approximately six former CIA employees. As I recall, we advised them that we could not locate the materials without undue effort, and that we did not have appropriate facilities (work space, etc.).

10. So far this year (1979), we have denied requests from two students who wanted permission to view CIA records contained in Department of the Army files. The requesters were Robert C. Morris, Jr., of VMI, and Timothy J. Lomperis of Duke University. In each instance, we recommended that they submit FOIA or mandatory review requests instead.

11. In January 1979, we received a still unanswered request from the former U.S. Ambassador to Panama, William J. Jorden, for historical researcher access to classified CIA records held by the Lyndon B. Johnson Library, where Ambassador Jorden is a Scholar-in-Residence. He submitted similar requests to several other agencies. A meeting was held on the matter with [] (OGC), the Office of Security's Records Management Officer, and Jack Pfeiffer (to whom the letter had been addressed). The Office of Security spokesman stated that OS would no longer insist upon a full field investigation, and that this would thus not be an obstacle to clearing historical researchers. He noted that the application forms did not conform to the Privacy Act and indicated that he would revise them. [] for his part, said that he wanted to revise the security agreement so that it would be more in the form of a contract in case we ever went to court. I subsequently received a new version of the security agreement from [] I never did get revised application forms from Security, however, despite having inquired about the matter two or three times. To avoid further delay, I drafted a letter to Mr. Jorden, incorporating the Privacy Act statement, and was about to have it typed when [] briefed me on a meeting of the Interagency Information Security Committee. Mr. Jorden's request had come up for discussion at this meeting and several agencies, notably the Department of State, opposed granting it. The Department of State has consistently refused to provide researchers with access to classified materials. They did it once, and it resulted in criticism from other historians. (I can provide more details to anyone who is interested.) [] recommended, therefore, that I hold up on the letter until she was able to get policy guidance. She went on to her new assignment in the Comptroller's office before doing so, and Mr. Jorden's letter remains unanswered.

12. The latest request from former Agency employee [] was addressed to [] who forwarded it to IPD. [] the DDO Information Review Officer, is aware of it and is basically unsympathetic. In fact, he thinks that the letter itself contains classified information. The letter that I have drafted to be sent to [] is designed to let him know that his request may very well be denied and to encourage him to submit an FOIA request instead. He is not an established scholar (to my knowledge); there would be a problem with providing working space and escort service; and, above all, to approve his application after disapproving so many other requests would smack of favoritism.

13. Policy guidance is sorely needed. If we are not going to approve any of these applications, we should amend our regulations to make that clear. If we are going to approve them, we need to set up facilities to accommodate researchers on a more or less continuous basis.

/s/

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